



Docket No.: 244839US3DIV

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/724,159

Applicants: Daisaku KUROKAWA, et al.

Filing Date: December 1, 2003

For: METHOD AND APPARATUS FOR MONITORING
OXYGEN CONCENTRATION IN A BEVERAGE
PRODUCTION PROCESS

Group Art Unit: 2856

Examiner: GARBER, C.

SIR:

Attached hereto for filing are the following papers:

REQUEST FOR RECONSIDERATION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

DAISAKU KUROKAWA, ET AL.

: EXAMINER: GARBER, C.

SERIAL NO: 10/724,159

:

FILED: DECEMBER 1, 2003

: GROUP ART UNIT: 2856

FOR: METHOD AND APPARATUS FOR
MONITORING OXYGEN
CONCENTRATION IN A BEVERAGE
PRODUCTION PROCESS

REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated May 26, 2004, Applicants request the reconsideration of the rejection of claims 2 and 4, for the reasons set forth below.

Claims 2 and 4 were rejected under 35 U.S.C. §103 as being obvious over U.S. patent publication 2003/0029228 (Bloder et al) in view of Japanese publication JP 04-315943, U.S. patent 6,395,538 and U.S. patent 4,550,590. However, Applicants note that Bloder et al is not prior art with respect to the present application.

The present application is a divisional application which claims domestic priority under 35 U.S.C. §120 from U.S. patent application 10/148,198, filed in the PCT on October 23, 2001. Bloder et al is a publication of U.S. patent application 10/104,485, whose effective date under 35 U.S.C. §102(e) is March 22, 2002, which is subsequent to the October 23, 2001 effective filing date of the present application. Accordingly, Bloder et al is not prior art under

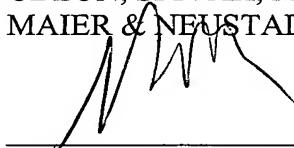
*Application No. 10/724,159
Reply to Office Action of May 26, 2004

35 U.S.C. §102 or 35 U.S.C. §103. The outstanding rejection, which relies upon Bloder et al as a primary reference, is therefore believed to be improper.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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